

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

06-CR-6077L

v.

HOWARD DENNIS KELLY,

Defendant.

Defendant, Howard Dennis Kelly (“Kelly”), requested appointed counsel under the Criminal Justice Act and an attorney has been appointed. Trial in the matter is currently scheduled for January 7, 2008.

Kelly has recently submitted a *pro se* motion, apparently dated November 21, 2007, denominated “Defective Indictment.” This is not the first *pro se* motion that Kelly has filed. The Court has received several such submissions complaining about a variety of matters.

I decline to consider this most recent filing and any similar ones. Since Kelly is now and has been represented by counsel, this Court will not entertain *pro se* motions submitted by Kelly, himself. The law is clear that such submissions are not proper and that the Court need not consider them. Multiple filings from both defendant and his attorney have the potential to create confusion and conflict.

Therefore, the *pro se* motions are denied.

Kelly was admonished previously by order entered September 10, 2007, not to file *pro se* motions. He ignored that order and has submitted the instant motion. Kelly is ordered, once again, not to submit *pro se* motions.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
December 17, 2007.